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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

In re SAUL Q., a Person Coming Under
The Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

SAUL Q.,

Defendant and Appellant.

F050012

(Super. Ct. No. 05CEJ601470-1)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Fresno County. Timothy Kams, Judge.

William I. Parks, under appointment by the Court of Appeal, for Defendant and Appellant.

Bill Lockyer, Attorney General, Robert R. Anderson, Chief Assistant Attorney General, Mary Jo Graves, Assistant Attorney General, Louis M. Vasquez and Kathleen A. McKenna, Deputy Attorneys General, for Plaintiff and Respondent.

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* Before Cornell, Acting P.J., Dawson, J., and Kane, J.

The Fresno County Juvenile Court committed 15-year-old appellant Saul Q. to a local boot camp facility after he admitted committing an assault with a deadly weapon. (Pen. Code, § 245, subd. (a)(1).) On appeal, Saul contends the juvenile court abused its discretion by placing him at the boot camp instead of a less restrictive alternative. We will affirm the disposition.

BACKGROUND

According to Saul's probation report, Jessica H. and three girl friends were walking to school on the morning of September 6, 2005. As the girls passed Saul's home, they heard someone yelling at them. Jessica then realized something struck her in the leg and caused her to bleed. Jessica's leg became swollen later that evening and a hospital X-ray revealed a pellet buried two-and-one-half inches into her calf would have to be removed surgically.

The next day, Saul's 13-year-old brother informed an investigating Sanger police officer that Saul ran outside their backyard and fired a BB gun at the group of girls. Saul told the officer he only fired a pellet into the air.

The Fresno County District Attorney filed a juvenile wardship petition alleging Saul committed assault with a deadly weapon (Pen. Code, § 245, subd. (a)(1)) with an enhancement for inflicting serious bodily injury (Pen. Code, § 12022.7, subd. (a)) causing the assault to become a serious and violent felony (Pen. Code, §§ 667.5, subd. (c)(8); 1192.7, subd. (c)(8)). Saul admitted the assault allegation and the enhancement was dismissed. The juvenile court adjudged Saul a ward of the court with a four-year maximum period of confinement, declared the assault a felony, and committed him to the Elkhorn Correctional Facility Delta Program for up to 365 days.

DISCUSSION

A juvenile court's commitment disposition may be reversed on appeal only upon a showing the court abused its discretion. (*In re Michael D.* (1987) 188 Cal.App.3d 1392,

1395.) “ ‘An appellate court will not lightly substitute its decision for that rendered by the juvenile court. We must indulge all reasonable inferences to support the decision of the juvenile court and will not disturb its findings when there is substantial evidence to support them.’ ” (*In re Lorenza M.* (1989) 212 Cal.App.3d 49, 53.)

In determining whether the juvenile court abused its discretion, the disposition must conform to the general purpose of the juvenile court law. (Welf. & Inst. Code, § 202 (§ 202); *In re Todd W.* (1979) 96 Cal.App.3d 408, 416-417.) The juvenile court’s placement must “provide for the protection and safety of the public and each minor,” “preserve and strengthen the minor’s family ties whenever possible,” and remove “the minor from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public.” (§ 202, subd. (a).) Minors before the juvenile court in delinquency proceedings shall “receive care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is appropriate for their circumstances.” (§ 202, subd. (b).) Punishment must evidence probable benefit to the minor and that less restrictive alternatives would be ineffective or inappropriate. (§ 202, subd. (e); *In re Teofilio A.* (1989) 210 Cal.App.3d 571, 576.) Although the juvenile court law contemplates a progressively restrictive and punitive series of dispositions, there is no absolute rule the juvenile court must attempt less restrictive alternatives before ordering a particular commitment. (*In re Asean D.* (1993) 14 Cal.App.4th 467, 473.)

Saul contends the juvenile court abused its discretion by not fully considering less restrictive alternative dispositions. However, so long as “there is evidence in the record to show a consideration of less restrictive placements was before the court, the fact the judge does not state on the record his consideration of those alternatives and reasons for rejecting them will not result in a reversal.” (*In re Teofilio A.*, *supra*, 210 Cal.App.3d at p. 577.)

In assessing Saul's appropriate disposition, the juvenile court dismissed defense counsel's claim that the shooting was an accident. Defense counsel also argued Saul was "doing very well at home, never been a problem, nothing has ever happened before, nothing has happened before. He helps. He listens. He follows rules." The juvenile court disagreed, noting: "Well, he doesn't follow all the rules because he has a progress report that covers what, 8 days, and he's gone for 3 of them."

Saul's probation report supports the juvenile court's conclusion. The evaluating probation officer reported Saul had 27 unexcused absences out of 75 days enrolled in school. The juvenile court offered Saul the opportunity to explain why he missed so many school days, but he could not offer a valid reason. The probation report added:

"The minor stated that he was suspended once during the 9th grade for fighting. ... School records indicate that the minor received five on-campus and two off-campus suspensions between November 2002 and April 2004. His misbehavior included mocking a teacher, a physical confrontation, tardiness, not dressing out for P.E., failure to serve detention, failing to attend Saturday School, and a dress code violation. During the same period the minor was assigned Saturday School on seven occasions and detention on four occasions for other misbehavior."

The probation officer also considered a less restrictive boot camp program, but found it insufficient to hold Saul accountable given the violent nature of his actions that could have caused greater bodily injury.

Saul's academic disciplinary record demonstrated he was unable to function under an in-home or other less-restrictive placement. Although Saul lacked a record of adjudicated delinquency, the juvenile court could reasonably conclude from Saul's academic record and the nature of the offense that a structured, disciplined, boot camp facility would best serve his rehabilitative needs while protecting the public safety needs of the community. We find no abuse of discretion.

DISPOSITION

The judgment is affirmed.